



MAY 2009 BULLETIN

Carbon Monoxide Alarms and Colorado's New Law

Colorado's new law concerning carbon monoxide alarms was signed by Governor Ritter on March 24, 2009 and applies to sales, rentals and remodels of single family and multi-family residences on and after July 1, 2009. The definition of "multi-family dwelling" in the new law specifically includes condominiums, and therefore, subject to certain limitations, would apply to units in condominium associations.

The law applies to dwelling units that have a fuel fired heater or appliance, a fireplace, or an attached garage. If any of these conditions exist, then the law applies to sellers of dwelling units offered for sale on or after July 1, 2009; dwelling units where, on or after July 1, 2009, remodeling occurs that requires a building permit; or dwelling units used for rental purposes that have a change of occupancy after July 1, 2009. If any of these three events occurs, then the unit must have an operational carbon monoxide alarm installed within fifteen feet of the entrance to each room lawfully used for sleeping purposes or in a location specified by any applicable building code. This latter requirement is overridden if the multi-family dwelling has a central alarm system and the carbon monoxide alarm is installed within twenty-five feet of the fuel fired heater, fireplace or garage. In addition, in connection with rental units, the law mandates certain actions that the unit owner must take with respect to installation and replacement of alarms, and provision of batteries to assure that the alarms are operational.

While the law is somewhat vague with respect to who is obligated to install the alarm when the circumstances giving rise to the requirement is either remodeling or rental, it does not appear to require associations to be responsible for compliance or assurance of an owner's compliance. Rather, it appears that the onus is on the unit owner to install the alarm and assure its ongoing maintenance and operation.

If the alarm is installed according to the manufacturer's instructions and the new law, then the owner of the property, his/her authorized agent, person in possession of the property and the installer are immune from liability for damages resulting from operation, maintenance, or effectiveness of the alarm.

If you have other questions about this new law, please feel free to contact us.

This Bulletin is intended for informational purposes only and does not constitute legal advice.